

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

ALEXANDER L. BAXTER,

Plaintiff,

v.

SPENCER HARRIS, et al.

Defendants.

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No. 3:15-cv-19

Judge Friedman

Magistrate Judge Frensley

JURY DEMAND

STATEMENT OF UNDISPUTED MATERIAL FACTS

1. Alexander Baxter broke into a home of Portland Avenue in Nashville, Tennessee and stole change, car key, and a bottle of liquor. Alexander Baxter Deposition at 19, attached to Motion as Exhibit 1.

RESPONSE:

2. Baxter saw the police helicopter and a police car as he was running. Baxter Depo. at 20-23.

RESPONSE:

3. Baxter fled to a home on Fairfax Avenue where he jumped into the basement. Baxter Depo. at 21-22.

RESPONSE:

4. A police K9 unit consisting of Officer Spencer Harris, Officer Brad Bracey, and K9 Officer Iwo were dispatched to the scene. Spencer Harris Declaration ¶ 8, attached to Motion as Exhibit 2.

RESPONSE:

5. At least one warning was given that Iwo would be released into the basement if Baxter did not surrender. Baxter Depo. at 30.

RESPONSE:

6. Officer Harris is Iwo's handler. Harris Dec. ¶ 3, 8.

RESPONSE:

7. Iwo will only respond to Officer Harris and no other individuals. Harris Dec. ¶ 6.

RESPONSE:

8. Iwo has achieved satisfactory training scores on all of his training. Harris Dec. ¶ 5.

RESPONSE:

9. Approximately 5 seconds elapsed between when Iwo and Officers Harris and Bracey were all in the vicinity of Baxter and the release of Iwo. Baxter Depo. at 36.

RESPONSE:

10. Officer Harris did not say anything during the approximately five seconds before he released Iwo. Baxter Depo. at 35.

RESPONSE:

11. The medical records from Nashville General only indicate one set of puncture marks from a dog bite. Nashville General Medical Records, attached to Motion as Exhibit 3.

RESPONSE:

12. Officer Bracey was located behind Baxter. Baxter Depo. at 36.

RESPONSE:

Respectfully submitted,

THE DEPARTMENT OF LAW OF THE
METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY
JON COOPER (#23571)
DIRECTOR OF LAW

/s/Melissa Roberge
Keli J. Oliver (#21023)
Melissa Roberge (#26230)
Assistant Metropolitan Attorneys
108 Metropolitan Courthouse
P.O. Box 196300
Nashville, Tennessee 37219
(615) 862-6341
*Counsel for Spencer Harris and
Brad Bracey*

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was delivered via U.S. Mail to the following:

Alexander Baxter
TDOC #145056
140 Macon Way
Hartsville, Tennessee 37074

on the 13th day of October, 2017.

/s/Melissa Roberge
Melissa Roberge